

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HOMEFIRST INC., METROPOLITAN JEWISH
HOME CARE INC., FIRST TO CARE HOME CARE INC.,
SHOREFRONT JEWISH GERIATRIC CENTER, INC.,
d/b/a MJGC HOME CARE and MJGC HOME CARE –
LONG TERM HOME HEALTH CARE PROGRAM,
M.J.G. NURSING HOME COMPANY, INC., d/b/a
METROPOLITAN JEWISH HOSPICE, OLOM HOME
CARE, INC., d/b/a ST. MARY'S METROPOLITAN
HOME CARE FOR KIDS and METROPOLITAN
JEWISH HEALTH SYSTEM, INC.,

Plaintiffs,

-against-

ALWAYS THERE HOME CARE, INC., MARIAN
CARE, INC., CHARLES ZIZI, FLORIDA
CORPORATE FUNDING, INC., UNITED STATES
DEPARTMENT OF THE TREASURY – INTERNAL
REVENUE SERVICE, NEW YORK STATE
DEPARTMENT OF LABOR, NEW YORK STATE
DEPARTMENT OF HEALTH, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE, and
NEW YORK STATE ATTORNEY GENERAL,

Defendants.
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ORDER

**Civil Case No. 08-01699
(SJ/MDG)**

GO, Magistrate Judge:

The Court, having considered the arguments of counsels for the parties and upon all prior pleadings filed, it is hereby

ORDERED, that Plaintiffs within twenty (20) days after service of this Order, shall deposit with the Clerk of United States District Court the collective sum of \$940,041.94 to be paid as follows: HomeFirst, Inc., the sum of \$196,938.80; Metropolitan Jewish Home Care Inc., the sum of \$529,018.13; First to Care Home Care Inc., the sum of \$25,674.38 and Shorefront Jewish Geriatric Center the sum of \$188,410.63. Said sums being the subject of this interpleader action, and it is further

ORDERED, that upon the deposit of the sum of \$940,041.94, the plaintiffs are discharged from further liability with respect to said sum, and it is further

ORDERED, that each defendant shall, within twenty (20) days of the date of this order, file an answer, if it has not previously filed an answer with this court after this action was removed from state court, and if any answer filed does not sufficiently set forth said defendant's claims with respect to the monies deposited pursuant to this order, the defendant must also file statement of its claims with respect to the monies deposited; and it is further

ORDERED, that the Clerk of the Court shall, as soon as practicable, prepare the necessary forms to effectuate the transfer of said funds from the Registry of this Court to an interest bearing account; and it is further

ORDERED, that the Clerk of the Court shall deduct from the income earned on the investment a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the U.S. Courts whenever such income becomes available for deduction from the investment so held and without further order of this Court.

This Order is deemed served on the parties appearing herein as of the date that this is filed electronically. See Fed. R. Civ. P. 5(b)(2)(E). Counsel for plaintiffs must serve a copy of this Order upon Charles Zizi by mail to his current address or personal delivery and upon the Clerk of the Court and on a Financial Deputy in the Clerk's Office prior to depositing the funds.

Nothing in this Order shall be construed as limiting the liability of any of the plaintiffs with respect to other claims brought against a plaintiff or plaintiffs by any defendants herein for any sums in addition to the amounts deposited pursuant to this Order.

Dated: Brooklyn, New York
March 20, 2009

/s/ _____
Marilyn D. Go
U.S. Magistrate Judge